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10/809,050

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Scott E. Dart

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CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC

1420 FIFTH AVENUE

SUITE 2800

SEATTLE, WA 98101-2347

EXAMINER

ALVESTEFFER, STEPHEN D

ART UNIT

PAPER NUMBER

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/809,050

Applicant(s)

DART ET AL.

Examiner

Stephen Alvesteffer

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 28 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 11-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is responsive to the After-Final Amendment filed January 28, 2008. Claims 1, 13, and 15 are amended. Claim 10 is cancelled. Claims 1, 13, and 23 are independent. Claims 1-9 and 11-23 remain pending.

The arguments made in the After-Final Amendment are persuasive. Accordingly, prosecution is re-opened for the instant application.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 11, 13, 14, 15, 20, 22, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferri et al. (hereinafter Ferri), United States Patent Application Publication 2005/0125736.

**Regarding claim 1**, Ferri teaches a method for reducing the amount of space occupied by a plurality of graphical elements including at least one graphical element having a filename when the plurality of graphical elements is rendered on a graphical user interface, comprising: determining for each graphical element of the plurality of

graphical elements if a filename is or is not to be displayed with the graphical element when the graphical element is rendered, the determination being based on the type of object that the graphical element represents (see Figure 7 and paragraph [0041]; *"Desktop 600 comprises four segments: top segment 602, bottom segment 604, left segment 606, and right segment 608. Top segment 602 contains icons which are organized in the smallest possible icon organization"*, the icons in segment 602 do not have file names displayed; see also paragraph [0010]; *"The IGP analyzes the icons and places the icons into the proper segments based on the type of application associated with the icon"*, the segment in which a file is represented is based on the file type); for each graphical element of the plurality of graphical elements whose filename is to be displayed with the graphical element when the graphical element is rendered, rendering the graphical element and the filename on the graphical user interface (see Figure 7 and paragraph [0041]; *"Bottom segment 604 contains icons that are organized in the normal sized icons with scroll bar. Left segment 606 contains icons that are expanded to fill the segment. Right segment 608 contains icons that are shrunk to fit the segment"*, segments 604, 606, and 608 show icons with filenames); and for each graphical element of the plurality of graphical elements whose filename is not to be displayed with the graphical element when the graphical element is rendered, adjusting the alignment of the plurality of graphical elements on the graphical user interface to reduce the amount of space occupied by the plurality of graphical elements and rendering the graphic element, but not the filename, on the graphical user interface, adjusting the alignment of the plurality of graphical elements on the graphical user

interface including aligning a graphic element more closely with surrounding graphical elements by reducing the space therebetween (see Figure 7 and paragraph [0037];

*"IOP 400 then determines if the icon organization defined in CP 200 is the smallest possible icons (406). If the icon organization is the smallest possible icons, then IOP 400 shrinks the icons to their smallest possible size allowed by the icon source code and reduces the space between icons until all of the icons fit into the segment (408). IOP 400 then ends (432). If at step 406, the icon organization is not the smallest possible icons, IOP 400 determines if the icon organization defined in CP 200 is to adjust the icons to fill the segment (410). If the icon organization is to adjust the icons to fill, IOP 400 adjusts the icon size so that the icons fill the entire segment (412) and ends (432)"*).

**Regarding claim 2**, Ferri teaches that the at least one graphical element is an icon (see Ferri Figure 7).

**Regarding claim 11**, Ferri teaches that when the plurality of graphical elements whose filenames are not to be displayed are rendered, adjusting at least a row of the plurality of graphical elements whose filenames are not to be displayed so that the graphical elements are proximately closer to one another as compared to a positioning of the graphical elements whose filenames are to be displayed (see Figure 7 and paragraph [0037]; *"IOP 400 then determines if the icon organization defined in CP 200 is the smallest possible icons (406). If the icon organization is the smallest possible icons, then IOP 400 shrinks the icons to their smallest possible size allowed by the icon source code and reduces the space between icons until all of the icons fit into the*

*segment (408). IOP 400 then ends (432). If at step 406, the icon organization is not the smallest possible icons, IOP 400 determines if the icon organization defined in CP 200 is to adjust the icons to fill the segment (410). If the icon organization is to adjust the icons to fill, IOP 400 adjusts the icon size so that the icons fill the entire segment (412) and ends (432)".*

**Claim 13** recites a system with substantially the same limitations as the method of claim 1. Therefore, claim 13 is rejected under the same rationale.

**Regarding claim 14**, Ferri teaches that the system is one of a computer, a personal digital assistant, a mobile device and an information device (see Ferri paragraph [0001]; *"The present invention relates generally to organizational methods for computer desktops and specifically to a computer program for organizing a plurality of icons into groups on a computer desktop"*).

**Claims 15 and 20** recite a system with substantially the same limitations as the method of claims 2 and 11, respectively. Therefore, the claims are rejected under the same rationale.

**Claim 22** recites an article of manufacture with substantially the same limitations as claim 1. Therefore, claim 22 is rejected under the same rationale.

**Claim 23** recites a method with substantially the same limitations as claim 1. Therefore, claim 23 is rejected under the same rationale.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-9, 12, 16-19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferri (2005/0125736) *supra*.

**Regarding claim 3**, Ferri teaches that determining if a filename is or is not to be displayed with a graphical element on the graphical user interface is based upon a type of data associated with a component of the filename (see Ferri paragraph [0035]; *"In analyzing the icon, IGP 200 determines what type of application the icon is associated with. For example, if the icon is associated with a MICROSOFT.RTM. INTERNET EXPLORER.RTM. or NETSCAPE.RTM. NAVIGATOR.RTM., then the icon is a web page. If the icon is associated with MICROSOFT.RTM.WORD.RTM. or COREL.RTM. WORDPERFECT.RTM., then the icon is a document. Persons of ordinary skill in the art are aware of how to determine what type of application an icon is associated with"*). Although it is not explicitly taught by Ferri, it is well known in the art that determining what type of application an icon is associated with in Windows™ operating systems is typically performed by examining the file extension.

**Regarding claim 4**, Ferri teaches that the filename is not to be displayed if the data associated with the component of the filename is image data (see Ferri paragraph [0010]; *"The CP allows a user to define at least one segment on the desktop. The user*

*defines the segment location, the segment size, the types of icons associated with the segment, the icon organization within the segment, and whether the segment covers the desktop wallpaper", users may define a segment to display image icons without filenames).*

**Regarding claim 5**, Ferri teaches that the filename is not to be displayed if the data associated with the component of the filename is multimedia data (see Ferri paragraph [0010]; *"The CP allows a user to define at least one segment on the desktop. The user defines the segment location, the segment size, the types of icons associated with the segment, the icon organization within the segment, and whether the segment covers the desktop wallpaper", users may define a segment to display multimedia data icons without filenames).*

**Regarding claim 6**, Ferri teaches that determining if the filename is or is not to be displayed on the graphical user interface is based upon an attribute of the filename (see Ferri paragraph [0035]; *"In analyzing the icon, IGP 200 determines what type of application the icon is associated with. For example, if the icon is associated with a MICROSOFT.RTM. INTERNET EXPLORER.RTM. or NETSCAPE.RTM. NAVIGATOR.RTM., then the icon is a web page. If the icon is associated with MICROSOFT.RTM.WORD.RTM. or COREL.RTM. WORDPERFECT.RTM., then the icon is a document. Persons of ordinary skill in the art are aware of how to determine what type of application an icon is associated with"). Although it is not explicitly taught by Ferri, it is well known in the art that determining what type of application an icon is*



associated with in Windows™ operating systems is typically performed by examining the file extension.

**Regarding claim 7**, Ferri teaches that the filename is not to be displayed if the filename is determined to be a machine generated file name (see Ferri paragraph [0035]; *"In analyzing the icon, IGP 200 determines what type of application the icon is associated with. For example, if the icon is associated with a MICROSOFT.RTM. INTERNET EXPLORER.RTM. or NETSCAPE.RTM. NAVIGATOR.RTM., then the icon is a web page. If the icon is associated with MICROSOFT.RTM.WORD.RTM. or COREL.RTM. WORDPERFECT.RTM., then the icon is a document. Persons of ordinary skill in the art are aware of how to determine what type of application an icon is associated with"*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide means for defining machine generated files to be displayed in a separate segment.

**Regarding claim 8**, Ferri teaches that the filename is not to be displayed if the filename has a filename extension related to multimedia files (see Ferri paragraph [0010]; *"The CP allows a user to define at least one segment on the desktop. The user defines the segment location, the segment size, the types of icons associated with the segment, the icon organization within the segment, and whether the segment covers the desktop wallpaper"*, users may define a segment to display multimedia file icons without filenames).

**Regarding claim 9**, Ferri teaches that the filename is not to be displayed if the filename extension relates to one of image, video and audio (see Ferri paragraph

[0010]; *"The CP allows a user to define at least one segment on the desktop. The user defines the segment location, the segment size, the types of icons associated with the segment, the icon organization within the segment, and whether the segment covers the desktop wallpaper"*, users may define a segment to display only image, video, and audio icons without filenames).

**Regarding claim 12**, Ferri teaches shifting a row of graphical elements whose filenames are to be displayed vertically upward, the shifting of the row being possible as a result of the filenames being absent from the graphical elements whose file names are not to be displayed (see Figure 7 and paragraph [0037]; *"IOP 400 then determines if the icon organization defined in CP 200 is the smallest possible icons (406). If the icon organization is the smallest possible icons, then IOP 400 shrinks the icons to their smallest possible size allowed by the icon source code and reduces the space between icons until all of the icons fit into the segment (408). IOP 400 then ends (432). If at step 406, the icon organization is not the smallest possible icons, IOP 400 determines if the icon organization defined in CP 200 is to adjust the icons to fill the segment (410). If the icon organization is to adjust the icons to fill, IOP 400 adjusts the icon size so that the icons fill the entire segment (412) and ends (432)"*). It would have been obvious to one of ordinary skill in the art at the time the invention was made that if the icons in a segment such as 608 were to be reduced in size and their filenames removed, the icons in the rows below will be shifted upwards so as to be more visually appealing and so that screen space is not wasted.

**Claims 16, 17, 18, 19, and 21** recite a system with substantially the same limitations as the method of claims 3, 5, 9, 7, and 12, respectively. Therefore, the claims are rejected under the same rationale.

### ***Response to Arguments***

Claim 15 was amended to correct a minor informality. Accordingly, the objection to claim 15 is withdrawn.

Applicant's arguments with respect to claims 1-9 and 11-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Alvesteffer whose telephone number is (571) 270-1295. The examiner can normally be reached on Monday-Friday 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571)272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Stephen Alvesteffer  
Examiner  
Art Unit 2173



2-12-2008

TADESSE HAILU  
PRIMARY EXAMINER

